

BOARD OF PUBLIC EDUCATION

CHAPTER 57

EDUCATOR LICENSURE

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Sub-Chapter 1

General Information

10.57.101 REVIEW OF POLICY (1) By authority of Article X of the Montana Constitution the board of public education exercises general supervision over the public school system and such other public educational institutions as may be assigned by law. By authority of 20-4-102, MCA the board of public education adopts policies for the issuance of teacher licenses.

(2) The board regularly shall consider recommendations for revision of the policies at any time it deems necessary. Notwithstanding any changes made in any five-year period, every five years the board shall have made a comprehensive review of licensure policies to insure that such policies are meeting the needs of the state. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-102, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1986 MAR p. 1305, Eff. 8/1/86; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.102 DEFINITIONS The following definitions apply to this chapter.

(1) "Acceptable evidence" means current official transcripts, portfolio and such other data as may be deemed necessary by the board of public education and/or the superintendent of public instruction.

(2) "Accredited" refers to program approval (accreditation) by the national council for the accreditation of teacher education (NCATE) and/or accreditation by a state board of education or a state agency. In circumstances where the accrediting body is a state board of education or a state agency, the Montana board of public education has the discretion to determine whether such accreditation ensures that the standards are substantially equivalent or greater than the standards required in Montana.

(3) "Accredited professional educator preparation program" means:

(a) an educator preparation program accredited by NCATE; and/or

(b) an educator preparation program approved (accredited) by a state board of education or a state agency. In circumstances where the accrediting body is a state board of education or a state agency, the Montana board of public education has the discretion to determine whether such accreditation ensures that the standards are substantially equivalent or greater than the standards required in Montana.

(4) "Accredited specialist program" means:

(a) a program for the preparation of specialists accredited by a national professional accrediting body; and/or

(b) a program for the preparation of specialists approved by a state board of public education or a state agency. In circumstances where the accrediting body is a state board of education or a state agency, the Montana board of public education has the discretion to determine whether such accreditation ensures that the standards are substantially equivalent or greater than the standards required in Montana.

(5) "Appropriate endorsements" are those subject fields such as English, mathematics, science, social studies, etc. identified by the board of public education.

(6) "Appropriate grade level(s)" means elementary, secondary or other levels as defined by the board of public education.

(7) "Appropriate official" means the superintendent of public instruction, the dean of the school of education or another official designated by them.

(8) "Certification" means licensure of an educator/specialist, as issued by the state of Montana, based on completion of a teacher, administrator or specialist program of an accredited college/university. Certification includes grade level(s), endorsement(s) and classification.

(9) "College credit" means credit received for completion of a course from an accredited college. College credits are counted as one quarter credit being equal to 10 clock hours, or one semester credit being equal to 15 clock hours. One semester credit is equivalent to one and one-half quarter credits and one quarter credit is equivalent to two-thirds semester credit.

(10) "Elementary endorsement" means the holder is authorized to teach in grades kindergarten through eight.

(11) "Endorsement" means an official indication on a license of the subject area(s) and/or specialized program area(s) for which the holder of the license is authorized to practice in Montana accredited schools.

(12) "Lapsed license" means that a license is considered lapsed if:

(a) the holder has not earned the required number of renewal units during the term of the license (units earned through August 31 immediately following the expiration date of a license also shall be considered for renewal); or

(b) the holder has earned the required number of renewal units during the term of the license but has not renewed the license by June 30 following the year of expiration.

(13) "License" or "licensure" means a certificate issued or applied for under 20-4-101, et seq., MCA.

(14) "Minimal education licensure requirements" means:

(a) a baccalaureate degree from a regionally accredited institution of higher education;

(b) six semester credits in any coursework under a department of education from an accredited education preparation program either in Montana or elsewhere; and

(c) verification of student teaching or one year of teaching experience in an elementary and/or secondary school or school district either in Montana or elsewhere.

(15) "Regional accrediting agency" means one of the following accrediting associations:

(a) middle states association of schools and colleges;

(b) New England association of schools and colleges;

(c) north central association of schools and colleges;

(d) northwest commission on colleges and universities;

(e) southern association of schools and colleges; and

(f) western association of schools and colleges.

(16) "Regionally accredited institution" means an institution of higher education accredited by one of the regional accrediting agencies specified in (15).

(17) "Secondary level endorsement" means the holder is authorized to teach in grades 5-12 specifically in the subject field endorsement. Those applicants who have completed a secondary level teacher preparation program shall be granted a 5-12 level license.

(18) "Year of administrative experience" means employment during a school fiscal year as a licensed member of a supervisory or administrative staff.

(19) "Year of teaching experience" means employment during a school fiscal year as a licensed member of an instructional staff.

(20) "Year of validity" means the full year of a teaching license. All licenses are validated July 1 through June 30.

(History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, MCA; ARM Pub. 11/25/77; AMD, 1978 MAR p. 1488, Eff. 10/27/78; AMD, 1980 MAR p. 2645, Eff. 9/26/80; AMD, 1982 MAR p. 379, Eff. 2/26/82; AMD, 1983 MAR p. 220, Eff. 3/18/83; AMD, 1987 MAR p. 591, Eff. 5/14/87; AMD, 1988 MAR p. 1812, Eff. 8/12/88; AMD, 1992 MAR p. 230, Eff. 3/1/92; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2005 MAR p. 916, Eff. 6/17/05.)

10.57.103 GRADES (IS HEREBY REPEALED) (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-102, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1995 MAR p. 628, Eff. 4/28/95; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.104 STUDENT TEACHING/SUPERVISED PRACTICE

(1) Persons seeking initial licensure must successfully complete a supervised teaching experience either as part of an accredited professional educator preparation program or successfully complete one year of teaching experience in a state accredited elementary and/or secondary school or school district either in Montana or elsewhere. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-102, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2005 MAR p. 916, Eff. 6/17/05.)

10.57.105 CERTIFICATION OF NON-CITIZENS (IS HEREBY REPEALED) (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-203, MCA; Eff. 4/21/75; ARM Pub. 11/15/77; AMD, 1980 MAR p. 2645, Eff. 9/26/80; REP, 1982 MAR p. 379, Eff. 2/26/82.)

10.57.106 LIFE CERTIFICATES (IS HEREBY REPEALED) (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-203, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1984 MAR p. 1472, Eff. 9/1/85; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.107 EMERGENCY AUTHORIZATION OF EMPLOYMENT (1) In accordance with 20-4-111, MCA, school administrators who have exhausted all possibilities for obtaining a licensed teacher may request that the superintendent of public instruction issue an emergency authorization of employment to the district to employ a person to teach in the emergency situation. The requirements and standards set forth below must be met to assure consideration of a request for an emergency authorization of employment:

(a) The request for emergency authorization of employment must originate with the school district.

(b) The position must have been advertised through the teacher placement offices of the Montana job service and the Montana university system far enough in advance to reasonably enable qualified applicants to submit applications and credentials and to be interviewed.

(c) The individual for whom the emergency authorization is being sought:

(i) shall have previously held a valid teacher or specialist license;

(ii) shall hold a bachelor's degree related to the area for which the emergency authorization of employment is being sought; or

(iii) shall provide acceptable evidence of cultural expertise related to the area for which the emergency authorization of employment is being sought.

(d) The individual for whom the emergency authorization is being sought shall not have held a valid class 5 license within

the year preceding the year for which emergency authorization of employment is being sought.

(2) An emergency authorization of employment is valid for one year. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-111, MCA; Eff. 4/21/75; ARM Pub. 11/26/77; AMD, 1990 MAR p. 1547, Eff. 8/17/90; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1997 MAR p. 312, Eff. 2/11/97; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03.)

10.57.108 SUBSTITUTE TEACHING (IS HEREBY REPEALED)
(History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-102, MCA; Eff. 4/13/76; ARM Pub. 11/25/77; AMD, 1978 MAR p. 1491, Eff. 10/27/78; REP, 2002 MAR p. 3309, 11/28/02.)

10.57.109 UNUSUAL CASES (1) The board of public education is aware that policy cannot cover all the special circumstances that can arise. Therefore, the superintendent of public instruction is authorized to exercise judgment in unusual cases and report any such actions to the board of public education on a regular basis. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-102, MCA; Eff. 4/21/75; ARM Pub. 11/25/77.)

10.57.110 AREA OF PERMISSIVE SPECIALIZED COMPETENCY
(1) A holder of a Montana teaching license may apply for a statement of specialized competency to appear on the license. A license holder may qualify for a statement of specialized competency by the completion of a minimum of 20 semester college credit hours or equivalency in a specific academic area as approved by the board of public education. Accredited areas of permissive specialized competency are early childhood education and gifted and talented education. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-103, MCA; NEW, 1994 MAR p. 954, Eff. 4/15/94; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03.)

Rule 10.57.111 reserved

10.57.112 LICENSE OF EXCHANGE TEACHERS (1) A class 5 license may be issued for one year to a teacher, administrator or specialist who is on an exchange program with a school district. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-103, MCA; NEW, 1983 MAR p. 601, Eff. 5/27/83; AMD, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.113 SUBSTITUTE TEACHERS (TRANSFERRED) (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-102, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD & TRANS, 2003 MAR p. 554, Eff. 3/28/03.)

Sub-Chapter 2

Issuance of Licenses

10.57.201 GENERAL PROVISIONS TO ISSUE LICENSES

(1) Teacher, specialist, or administrator licenses are issued by the superintendent of public instruction to applicants who submit acceptable evidence of successful completion of an accredited professional educator preparation program.

(2) Applicants for initial licensure who meet the following qualifications to practice shall be licensed class 1, 2, 3, or 6 as appropriate:

(a) individuals who have a current professional - not provisional or alternative - teacher, specialist, or administrator license from another state in an area that can be licensed in Montana. This section applies only to individuals who have completed an applicable accredited professional educator preparation program in an area that can be licensed in Montana and have satisfied minimal education licensure requirements as defined in ARM 10.57.102;

(b) individuals who have graduated within the last five years from an accredited teacher, specialist, or administrator professional educator preparation program in an area that can be licensed in Montana and have satisfied minimal education licensure requirements as defined in ARM 10.57.102;

(c) individuals who hold a current license from the national board for professional teaching standards in an area that can be licensed in Montana and have satisfied minimal education licensure requirements as defined in ARM 10.57.102;

(d) individuals who currently hold a class 5 alternative license who meet one or more of the above three qualifications and have satisfied minimal education licensure requirements as defined in ARM 10.57.102.

(3) Applicants for initial class 4 licensure who have a current career and vocational/technical license from another state in an area that can be endorsed in Montana shall be licensed as class 4A, 4B, or 4C depending on the level of education and extent of training.

(4) Applicants must meet all other nonacademic requirements for licensure in Montana. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-103, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2004 MAR p. 2910, Eff. 12/3/04; AMD, 2005 MAR p. 916, Eff. 6/17/05.)

10.57.201A CRIMINAL HISTORY BACKGROUND CHECK (1) The National Child Protection Act of 1993, as amended, (codified at 42 United States Code sections 5119a and 5119c) (the "Act") authorizes a state and national criminal history background check to determine the fitness of an employee, volunteer, or other person with unsupervised access to children, the elderly, or individuals with disabilities. The background check contemplated herein shall be made pursuant to and with the support of the Act. The purpose of this rule is to support the superintendent of public instruction's duty to evaluate a provider's moral and professional character and to determine whether a provider, as defined herein and in the Act, has been convicted of a crime that bears upon the provider's fitness to have responsibility for the safety and well being of children.

(2) As applied to the Act and used in this rule, the following definitions shall apply:

(a) "authorized agency" means the Montana office of public instruction;

(b) "identification document" means a document made or issued by or under the authority of the United States government, a state, political subdivision of a state, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals;

(c) "national criminal history background check" means a report generated from the criminal history record system maintained by the United States federal bureau of investigation based on fingerprint identification or any other method of positive identification;

(d) "provider" means those persons seeking educator licensure in Montana and listed in (3);

(e) "qualified entity" means the superintendent of public instruction.

(3) Except as otherwise provided for herein, each of the following persons (the "applicant") shall provide to the superintendent of public instruction information and material sufficient to obtain a fingerprint-based national criminal history background check (a "background check"):

(a) any applicant for initial Montana educator licensure;

(b) any person seeking emergency authorization of employment pursuant to 20-4-110, MCA and ARM 10.57.107; and

(c) any applicant seeking to reinstate a lapsed, revoked, or suspended educator license.

(4) The applicant shall bear the costs of the background check.

(5) The superintendent of public instruction shall not issue to an applicant a Montana educator license pursuant to 20-4-101, et seq., MCA, until the background check has been completed and the results of the background check have been delivered to and reviewed by the superintendent of public instruction.

(6) The superintendent of public instruction may accept the results of a background check conducted for the Montana university system or a private college or university in Montana of a student, provided the background check was completed no more than two years before the applicant submits a license application to the superintendent of public instruction.

(7) The superintendent of public instruction shall not request a background check of a provider hereunder unless the provider first provides a set of fingerprints and completes and signs a statement that:

(a) contains the name, address, and date of birth appearing on a valid identification document of the provider;

(b) the provider has not been convicted of a crime and, if the provider has been convicted of a crime, contains a description of the crime and the particulars of the conviction;

(c) notifies the provider that the entity may request a background check hereunder;

(d) notifies the provider of the provider's rights under (8); and

(e) notifies the provider that prior to the completion of the background check the qualified entity may choose to deny the provider unsupervised access to a person to whom the qualified entity provides care.

(8) Each provider who is the subject of a background check is entitled to:

(a) obtain a copy of any background check report; and

(b) challenge the accuracy and completeness of any information contained in any such report and obtain a prompt determination as to the validity of such challenge before a final determination is made by the authorized agency.

(9) The authorized agency shall:

(a) upon receipt of a background check report lacking disposition data, conduct research in whatever state and local record keeping systems are available in order to obtain complete data; and

(b) make a determination whether the provider has been convicted of, or is under pending indictment for, a crime that bears upon the provider's fitness to have responsibility for the safety and well being of children, the elderly, or individuals with disabilities and shall convey that determination to the qualified entity.

(10) Conviction, including conviction following a plea of nolo contendere, a conviction in which the sentence is suspended or deferred, or any other adjudication treated by the court as a conviction, may be considered by the superintendent of public instruction in the certification process if the conviction was for a sexual offense, a crime involving violence, the sale of drugs, or theft, or any other crime meeting the criteria of Title 37, chapter 1, part 2, MCA.

(11) This rule shall be effective for persons applying for licensure on or after January 1, 2003. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-103, 20-4-104, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03.)

10.57.202 APPROVED PROGRAMS (IS HEREBY REPEALED)
(History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-102, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1995 MAR p. 628, Eff. 4/28/95; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.203 TRAINING EVALUATION (IS HEREBY REPEALED)
(History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-103, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.204 EXPERIENCE VERIFICATION (1) The determination of appropriate educational experience shall be made by the superintendent of public instruction.

(2) When teaching experience is required for a new license or endorsement, the majority of the experience required must be obtained in a school organization consistent with Montana's K-12 pattern.

(3) When experience is required for a new license or endorsement, experience gained prior to basic eligibility for initial licensure is not considered. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-103, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1978 MAR p. 1488, Eff. 10/27/78; AMD, 1980 MAR p. 662, Eff. 2/29/80; AMD, 1980 MAR p. 2645, Eff. 9/26/80; AMD, 1989 MAR p. 2050, Eff. 12/8/89; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1998 MAR p. 1918, Eff. 7/17/98; AMD, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.205 CONVERSION PROGRAM SECONDARY TO ELEMENTARY (IS HEREBY REPEALED) (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; REP, 1995 MAR p. 628, Eff. 4/28/95.)

10.57.206 EQUIVALENCY (IS HEREBY REPEALED) (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-102, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; REP, 1992 MAR p. 230, Eff. 3/1/92.)

10.57.207 CORRESPONDENCE EXTENSION AND INSERVICE CREDITS (IS HEREBY REPEALED) (History: Sec. 20-4-102, and 20-2-121(1), MCA; IMP, Sec. 20-4-102, 20-4-103, 20-4-106, 20-4-108, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1978 MAR p. 1488, Eff. 10/27/78; AMD, 1981 MAR P. 843, Eff. 8/14/81; AMD, 1983 MAR p. 990, Eff. 7/29/83; AMD, 1985 MAR p. 112, Eff. 2/1/85; AMD, 1987 MAR p. 591, Eff. 5/15/87; REP, 1992 MAR p. 230, Eff. 3/1/92.)

10.57.208 REINSTATEMENT (IS HEREBY REPEALED) (History: Sec. 20-4-102, 20-4-121(1), MCA; IMP, Sec. 20-4-102, 20-4-103, 20-4-106, 20-4-108, MCA; AMD, 1978 MAR p. 1489, Eff. 10/27/78; AMD, 1981 MAR p. 844, Eff. 8/14/81; AMD, 1983 MAR p. 990, Eff. 7/29/83; AMD, 1985 MAR p. 112, Eff. 2/1/85; AMD, 1987 MAR p. 591, Eff. 5/15/87; AMD, 1991 MAR p. 1552, Eff. 3/15/91; REP, 1992 MAR p. 795, Eff. 4/17/92.)

10.57.209 EXTENSION OF LICENSES FOR MILITARY SERVICE

(1) The unexpired term of a valid teaching license held by a person engaged in teaching at the time that person is called into active military service shall be extended in proportion to the length of active military service. Official notification of the beginning and termination dates of active military service must be submitted on release from active duty to the superintendent of public instruction to secure such extension of licensure.

(2) The unexpired term of a valid teaching license shall be extended one year for each year of active military service not to exceed five years. In calculating the unexpired term of a license for military extension purposes, an expired license year shall be any year in which a teacher has taught more than one-half of the school year.

(3) The extension period of the unexpired term of any license becomes automatically effective on the previous July 1 of the year of termination of active military service. On expiration of this extension period, renewal requirements must be met for further licensure. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-102, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.210 HEALTH EXAMINATION (IS HEREBY REPEALED)
(History: Sec. 20-4-102, MCA; IMP, Sec. 20-1-104, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; REP, 1992 MAR p. 1473, Eff. 7/17/92.)

10.57.211 TEST FOR CERTIFICATION (IS HEREBY REPEALED)
(History: Sec. 20-2-121(1), 20-4-102(1) and (5), MCA; IMP, Sec. 20-4-102(1) and (5), MCA; NEW, 1985 MAR p. 1018, Eff. 7/1/86; AMD, 1990 MAR p. 1547, Eff. 8/17/90; AMD, 1991 MAR p. 298, Eff. 3/15/91; AMD, 1993 MAR p. 2781, Eff. 11/25/93; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1996 MAR p. 680, Eff. 3/8/96; AMD, 1996 MAR p. 2979, Eff. 11/8/96; AMD, 1997 MAR p. 1187, Eff. 7/8/97; REP, 2002 MAR p. 1463, Eff. 5/17/02.)

10.57.211A EDUCATOR RECRUITMENT (IS HEREBY REPEALED)
(History: Sec. 20-2-121, MCA; IMP, Sec. 20-4-102, MCA; NEW, 2002 MAR p. 1463, Eff. 5/17/02; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.212 MINIMUM SCORES ON TEST OF BASIC SKILLS (IS HEREBY REPEALED)
(History: Sec. 20-2-121(1), MCA; IMP, Sec. 20-4-102(1) and (5), MCA; NEW, 1986 MAR p. 1020, Eff. 6/13/86; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1996 MAR p. 2979, Eff. 11/8/96; REP, 2002 MAR p. 1463, Eff. 5/17/02.)

10.57.213 REPORTING OF DENIAL OF INITIAL CERTIFICATION, OF REINSTATEMENT OR OF RENEWAL OF CERTIFICATION (IS HEREBY REPEALED)
(History: Sec. 20-2-121, MCA; IMP, Sec. 20-4-102, MCA; NEW, 2000 MAR p. 1510, Eff. 6/16/00; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

Rule 10.57.214 reserved

10.57.215 RENEWAL REQUIREMENTS (1) Requirements for renewal of Montana educator licenses are as follows:

(a) Class 1, 3, and 7 licenses require 60 renewal units;
(b) Class 2 licenses require college credit and renewal units as follows:

- (i) three semester credits and 15 renewal units;
- (ii) four semester credits;
- (iii) four quarter credits and 20 renewal units;
- (iv) five quarter credits and 10 renewal units; or
- (v) six quarter credits;

(c) Class 4 licenses require 60 renewal units. The requirements specific to each type of license are set forth in ARM 10.57.421, 10.57.422 and 10.57.423;

(d) Class 6 licenses require college credit or renewal units as follows:

- (i) four graduate semester credits;
- (ii) six graduate quarter credits; or
- (iii) 60 renewal units.

(2) Participation in renewal activities is equivalent to the following renewal units:

(a) one hour of attendance at a workshop = one renewal unit;

(b) one quarter college credit = 10 renewal units;

(c) one semester college credit = 15 renewal units.

(3) Renewal activities used to renew all licenses must be:

(a) a planned and structured experience;
(b) of benefit to the license holder's professional development; and

(c) an exposure to a new idea or skill or an extension of an existing idea or skill; or

(d) the instruction of a relevant higher education course, based upon the academic credit of the course, by a Montana license holder who has achieved a graduate degree in an endorsed field of specialization; or

(e) the completion of the assessment process for national board licensure, or renewal of national board licensure, through the national board for professional teaching standards. Verification of completion of the national board assessment shall result in 60 renewal units. Renewal units earned may apply to renewal of an expiring license. Class 2 license holders may use national board renewal units in lieu of college course credits as required in (1). This process may also be used in lieu of any credits required to reinstate a lapsed license.

(4) All renewal units must be earned during the valid term of the license.

(5) The license holder shall be solely responsible for retaining the renewal unit verification to be used in the application for license renewal.

(6) Educators licensed in Montana who are living out of state and participate in another state's validated professional development activities other than college/university credit may use these renewal unit activities when the intent and structure of the process assures the meeting or exceeding of Montana renewal unit requirements for licensure.

(7) Educators licensed in Montana who are living in state and who wish to participate in professional development activities offered by providers who have not been approved as a renewal unit provider pursuant to ARM 10.57.216 may apply to the state superintendent for approval prior to beginning the program. (History: Sec. 20-2-121, 20-4-102, MCA; IMP, Sec. 20-4-102, 20-4-108, MCA; NEW, 1992 MAR p. 230, Eff. 3/1/92; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1997 MAR p. 1188, Eff. 7/8/97; AMD, 1998 MAR p. 1919, Eff. 7/17/98; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2004 MAR p. 2910, Eff. 12/3/04.)

10.57.216 APPROVED RENEWAL ACTIVITY (1) Providers of professional development activities which verify acceptable renewal unit activities for license renewal are:

(a) state, regional or national accredited college and university programs, for which no application or prior approval is required;

(b) accredited school districts, upon submission and approval of an application for status as a provider of professional development renewal unit credit; and

(c) professional education organizations and government agencies (federal, state, tribal, county, city), upon submission and approval of an application for status as a provider of professional development renewal unit credit.

(2) Those school districts approved as providers of professional development may identify programs at locations other than their site of operation for renewal unit verification to be awarded by them. This may include out-of-state programs and conferences.

(3) Those entities approved by the superintendent of public instruction as providers of professional development programs are those applicants who agree to maintain a process in compliance with ARM 10.57.215 and this rule.

(a) Approved providers must agree to report the activities undertaken as professional development for renewal unit awards annually to the superintendent of public instruction.

(b) Approved providers must agree to submit to an audit of records conducted by the superintendent of public instruction. Records which must be maintained by the provider include:

- (i) the activity title and brief description,
- (ii) date(s) and location of program,
- (iii) program schedule and number of participants.

(c) For all programs designated as professional development for the purpose of issuing renewal units to license holders, the provider shall prepare and issue completed renewal unit registration forms to eligible participants. This form shall be provided by the superintendent of public instruction and this form, or an approved facsimile, must be utilized for all renewal unit awards.

(4) Upon receipt of a complete and accurate annual report of professional development activities by the superintendent of public instruction on or before the deadline for submission, the provider status shall be continued.

(5) The superintendent of public instruction shall annually provide a report to the board of public education, which shall include, at a minimum, a list of providers.

(6) Providers will be responsible for maintenance of records of all professional development activities for which renewal unit awards are made for one year following the date of completion of the annual reporting requirement. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-108, MCA; NEW, 1992 MAR p. 230, Eff. 3/1/92; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2004 MAR p. 2910, Eff. 12/3/04.)

10.57.217 APPEAL PROCESS FOR RENEWAL ACTIVITY

(1) Decisions of the superintendent on matters of renewal unit activity or provider status may be appealed to the board of public education. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-108, MCA; NEW, 1992 MAR p. 230, Eff. 3/1/92; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.218 RENEWAL UNIT VERIFICATION (1) Applications to the superintendent of public instruction for license renewal shall include a listing of the activities completed for renewal as required by ARM 10.57.215. The educator is responsible for maintaining official documentation verifying completion of renewal activities during the term of the license.

(2) The superintendent of public instruction may conduct an audit of any renewal applications submitted. Those persons selected for audit will be required to submit verification of meeting the professional development requirements through official documentation (official transcripts, original grade reports or original renewal unit certificates).

(3) If an educator is unable to produce verification of renewal unit activities within 60 days from the date of the audit letter, the educator's license may be suspended or revoked by the board of public education. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-108, MCA; NEW, 1992 MAR p. 230, Eff. 3/1/92; AMD, 1995 MAR p. 2144, Eff. 10/13/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 977, Eff. 5/9/03.)

10.57.219 CONVERSION FROM RENEWAL CREDITS TO RENEWAL UNITS (IS HEREBY REPEALED) (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-108, MCA; NEW, 1992 MAR p. 794, Eff. 3/1/92; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.220 RECENCY OF CREDIT (1) An applicant for initial class 1, 2, or 3 licensure whose degree is more than five years old and who does not have current out-of-state licensure must have earned eight semester credits within the five-year period preceding the effective date of the license.

(2) An applicant for an initial class 6 license whose degree is more than five years old and who does not have current out-of-state licensure must have earned eight graduate semester credits within the five-year period preceding the effective date of the license. (History: Sec. 20-4-102, 20-4-103, MCA; IMP, Sec. 20-4-102, 20-4-103, 20-4-106, MCA; NEW, 1992 MAR p. 795, Eff. 4/17/92; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1998 MAR p. 2753, Eff. 7/17/98; AMD, 2000 MAR p. 1511, Eff. 6/16/00; AMD, 2003 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03.)

Sub-Chapter 3

General Endorsement Areas

10.57.301 ENDORSEMENT INFORMATION (1) The only endorsements on Montana teaching, administrative or specialist licenses are those approved by the board of public education. A major or a minor or the equivalent in the endorsement area is required.

(2) Licenses are endorsed by the superintendent of public instruction for the appropriate level(s) and area(s) of preparation based on the college program completed.

(3) Appropriate teaching areas acceptable for license endorsement include: agriculture, art K-12, biology, business education, career and vocational/technical education endorsements as determined by the superintendent of public instruction, chemistry, computer science K-12, drama, earth science, economics, elementary education, English, English as a second language K-12, family and consumer sciences, French K-12, geography, German K-12, school counseling K-12, health, history, history-political science, industrial arts, journalism, Latin K-12, library K-12, marketing, mathematics, music K-12, other language K-12, physical education and health K-12, physical science, physics, political science, psychology, reading K-12, Russian K-12, science (broadfield), social studies (broadfield), sociology, Spanish K-12, special education P-12, speech-communication, speech-drama, technology education, trade and industry, and traffic education K-12.

(4) Appropriate career and vocational/technical education areas acceptable for endorsement on the class 4 license include but are not limited to: automotive technology, welding, auto body, industrial mechanics, small engines, heavy equipment operations, electronics, horticulture, agriculture mechanics, building trades, building maintenance, culinary arts, metals, drafting, computer information systems, graphic arts, aviation, health occupations, machining, and diesel mechanics.

(5) Appropriate administrative areas acceptable for license endorsement include: elementary principal, secondary principal, K-12 principal, K-12 superintendent and supervisor.

(6) Appropriate specialist areas acceptable for license endorsement are school psychologist and school counselor.

(7) Both elementary and secondary preparation, including student teaching or university supervised teaching experience are required for endorsement in any approved K-12 endorsement area. The K-12 endorsement areas outlined in (3) may also be endorsed at the elementary or secondary level depending on the verified level of preparation.

(a) A class 1 or 2 license may be endorsed in special education P-12 with program preparation at the elementary or secondary levels, or a balanced K-12 program of comparable preparation.

(b) The balanced K-12 license level option is available through Montana board of public education-approved special education programs for those individuals with:

(i) a minimum of bachelor's degree completed, and
(ii) verified completion of an out-of-state state-approved special education program which includes student teaching or university supervised teaching experience.

(c) completion of an accredited professional educator preparation program in any disability area shall result in a special education endorsement.

(8) Applicants with graduate degrees in an endorsable field of specialization may use experience instructing in relevant higher education courses as credit in that endorsement area for licensure.

(9) An endorsement may be dropped from a teaching license at the end of the valid term of the license if minimum licensure requirements (major and minor or extended major) are met without that endorsement. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-103, 20-4-106, MCA; Eff. 4/21/75; AMD, Eff. 7/12/76; AMD, Eff. 9/14/76; ARM Pub. 11/25/77; AMD, 1978 MAR p. 1489, Eff. 10/27/78; AMD, 1980 MAR p. 2645, Eff. 9/26/80; AMD, 1985 MAR p. 1396, Eff. 9/27/85; AMD, 1986 MAR p. 1902, Eff. 11/15/86; AMD, 1988 MAR p. 52, Eff. 1/15/88; AMD, 1989 MAR p. 662, Eff. 5/26/89; AMD, 1991 MAR p. 299, Eff. 3/15/91; AMD, 1991 MAR p. 300, Eff. 3/15/91; AMD, 1994 MAR p. 1690, Eff. 6/24/94; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1996 MAR p. 1835, Eff. 6/21/96; AMD, 1998 MAR p. 347, Eff. 1/30/98; AMD, 1998 MAR p. 1922, Eff. 7/17/98; AMD, 1998 MAR p. 1923, Eff. 7/17/98; AMD, 2000 MAR p. 1511, Eff. 6/16/00; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2004 MAR p. 2910, Eff. 12/3/04.)

10.57.302 COMPUTER ENDORSEMENT REVIEW COMMITTEE (IS HEREBY REPEALED) (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-103, MCA; NEW, 1991 MAR p. 300, Eff. 3/15/91; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

Sub-Chapter 4

Classes of Licensure

10.57.401 CLASS 1 PROFESSIONAL TEACHING CERTIFICATE (IS HEREBY REPEALED) (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1979 MAR p. 158, Eff. 2/16/79; AMD, 1987 MAR p. 591, Eff. 5/15/87; AMD, 1990 MAR p. 725, Eff. 4/13/90; AMD, 1991 MAR p. 1552, Eff. 3/15/91; AMD, 1992 MAR p. 230, Eff. 3/1/92; AMD, 1992 MAR p. 795, Eff. 4/17/92; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1998 MAR p. 1924, Eff. 7/17/98; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.402 CLASS 2 STANDARD TEACHING CERTIFICATE (IS HEREBY REPEALED) (History: Sec. 20-2-121(1), 20-4-102, MCA; IMP, Sec. 20-4-102, 20-4-103, 20-4-106, 20-4-108, MCA; Eff. 4/21/75; AMD, 1978 MAR p. 1490, Eff. 10/27/78; AMD, 1981 MAR p. 845, Eff. 8/14/81; AMD, 1983 MAR p. 990, Eff. 7/29/83; AMD, 1985 MAR p. 112, Eff. 2/1/85; AMD, 1987 MAR p. 591, Eff. 5/15/87; AMD, 1989 MAR p. 662, Eff. 5/26/89; AMD, 1992 MAR p. 230, Eff. 3/1/92; AMD, 1992 MAR p. 795, Eff. 4/17/92; AMD, 1995 MAR p. 628, Eff. 4/28/95; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.403 CLASS 3 ADMINISTRATIVE CERTIFICATE (IS HEREBY REPEALED) (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-106(1)(c), 20-4-108, MCA; Eff. 4/21/75; AMD, 1978 MAR p. 1490, Eff. 10/27/78; AMD, 1980 MAR p. 2645, Eff. 9/26/80; AMD, 1981 MAR p. 419, Eff. 5/1/81; AMD, 1985 MAR p. 46, Eff. 2/1/85; AMD, 1986 MAR p. 1306, Eff. 8/1/86; AMD, 1987 MAR p. 591, Eff. 5/15/87; AMD, 1988 MAR p. 52, Eff. 1/15/88; AMD, 1989 MAR p. 2050, Eff. 12/8/89; AMD, 1991 MAR p. 1552, Eff. 3/15/91; AMD, 1991 MAR p. 1487, Eff. 8/16/91; AMD, 1992 MAR p. 230, Eff. 3/1/92; AMD, 1992 MAR p. 795, Eff. 4/17/92; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1995 MAR p. 2802, Eff. 12/22/95; AMD, 1998 MAR p. 1925, Eff. 7/17/98; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.404 CLASS 4 VOCATIONAL CERTIFICATE (IS HEREBY REPEALED) (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; Eff. 6/9/75; ARM Pub. 11/25/77; AMD, 1980 MAR p. 2645, Eff. 9/26/80; AMD, 1992 MAR p. 230, Eff. 3/1/92; AMD, 1993 MAR p. 940, Eff. 5/14/93; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1998 MAR p. 934, Eff. 4/17/98; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.405 CLASS 5 PROVISIONAL CERTIFICATE (IS HEREBY REPEALED) (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; Eff. 4/21/75; AMD, Eff. 4/13/76; ARM Pub. 11/25/77; AMD, 1978 MAR p. 1490, Eff. 10/27/78; AMD, 1980 MAR p. 2645, Eff. 9/26/80; AMD, 1982 MAR p. 380, Eff. 2/26/82; AMD, 1984 MAR p. 828, Eff. 5/18/84; AMD, 1985 MAR p. 46, Eff. 2/1/85; AMD, 1986 MAR p. 1306, Eff. 8/1/86; AMD, 1992 MAR p. 1474, Eff. 7/17/92; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1995 MAR p. 2802, Eff. 12/22/95; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.406 CLASS 6 SPECIALIST CERTIFICATE (IS HEREBY REPEALED) (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 1995 MAR p. 628, Eff. 4/28/95; AMD, 1998 MAR p. 1919, Eff. 7/17/98; REP, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.407 CLASS 7 AMERICAN INDIAN LANGUAGE AND CULTURE SPECIALIST (IS HEREBY TRANSFERRED) (History: Sec. 20-4-102, MCA; IMP, 20-4-103, 20-4-106, MCA; NEW, 1995 MAR p. 2803, Eff. 12/22/95; TRANS to ARM 10.57.436, 2002 MAR p. 3309, Eff. 11/28/02.)

Rules 10.57.408 and 10.57.409 reserved

10.57.410 CLASS 2 STANDARD TEACHER'S LICENSE (1) A class 2 standard teacher's license shall be valid for a term of five years.

(2) To obtain a class 2 standard teacher's license an applicant must have a bachelor's degree and have completed an accredited professional educator preparation program.

(3) A class 2 standard teacher's license shall be renewable pursuant to the requirements of ARM 10.57.215.

(4) A lapsed class 2 standard teacher's license may be reinstated by showing verification of:

(a) 60 renewal units, 40 of which must be earned by college credit, earned during the five-year period preceding the validation date of the new license; or

(b) 120 renewal units, 80 of which must be earned by college credit, earned during the nine-year period preceding the validation date of the new license. (History: Sec. 20-2-121, 20-4-102, MCA; IMP, Sec. 20-4-102, 20-4-103, 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 978, 5/9/03.)

10.57.411 CLASS 1 PROFESSIONAL TEACHER'S LICENSE (1) A class 1 professional teacher's license shall be valid for a period of five years.

(2) To obtain a class 1 professional teacher's license an applicant must have:

(a) a master's degree or one year of study consisting of at least 30 graduate semester credits beyond the bachelor's degree in professional education or an endorsable teaching area(s) from an accredited college or university; and

(b) verification of three years of successful teaching experience or the equivalent.

(3) A class 1 professional teacher's license shall be renewable pursuant to the requirements of ARM 10.57.215.

(4) A lapsed class 1 professional teacher's license may be reinstated by showing verification of:

(a) 60 renewal units earned during the five-year period preceding the validation date of the new license; or

(b) 120 renewal units earned during the nine-year period preceding the validation date of the new license. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03; AMD, 2003 MAR p. 978, Eff. 5/9/03.)

10.57.412 CLASS 1 AND 2 ENDORSEMENTS (1) To obtain an elementary endorsement, an applicant must provide verification of completion of an accredited elementary teacher education program to include student teaching or university supervised teaching experience.

(2) To obtain a secondary endorsement the applicant must provide verification of at least:

(a) 16 semester credits in a professional educator preparation program, including student teaching or an appropriate college waiver; and

(b) 30 semester credits in an approved major and 20 semester credits in an approved minor; or

(c) 40 semester credits in an extended major.

(3) To obtain a K-12 endorsement, the applicant must provide verification of training in both elementary and secondary curriculum.

(4) Subject field endorsement must be in areas approved for endorsement by the board of public education. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.413 CLASS 3 ADMINISTRATIVE LICENSE (1) A class 3 administrative license shall be valid for a period of five years.

(2) To obtain a class 3 administrative license an applicant must provide verification of a master's degree in an accredited school administration program or the equivalent and must qualify for one of the endorsements set forth in ARM 10.57.414 through 10.57.419.

(3) A class 3 administrative license shall be renewed upon verification of 60 renewal units earned during the valid term of the license.

(4) A lapsed class 3 administrative license may be reinstated by showing verification of:

(a) 60 renewal units earned during the five-year period preceding the validation date of the new license; or

(b) 120 renewal units earned during the nine-year period preceding the validation date of the new license. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 978, Eff. 5/9/03.)

10.57.414 CLASS 3 ADMINISTRATIVE LICENSE - SUPERINTENDENT ENDORSEMENT (1) To obtain a superintendent endorsement an applicant must provide verification of:

(a) an education specialist degree or doctoral degree in education leadership from an accredited professional educator preparation program as defined in ARM 10.57.102(3) and one year of administrative experience as an appropriately licensed principal or one year of a supervised board of public education approved administrative internship as a superintendent; or

(b) a master's degree in education leadership or equivalent from an accredited professional educator preparation program as determined by the university system to include:

(i) licensure/endorsement as a principal;

(ii) one year of administrative experience as an appropriately licensed principal or one year of a supervised board of public education approved administrative internship as superintendent; and

(iii) a minimum of 18 semester graduate credits, of which 12 must be beyond the master's degree, in the following content areas:

- (A) organizational leadership;
- (B) instructional leadership;
- (C) management to include finance, facilities, law and policy;
- (D) personnel and labor relations; and
- (E) community and board relations. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.415 CLASS 3 ADMINISTRATIVE LICENSE - ELEMENTARY PRINCIPAL ENDORSEMENT (1) To obtain an elementary principal endorsement an applicant must provide verification of:

(a) a minimum of three years of successful experience as an appropriately licensed and assigned teacher at the elementary level; and

(b) a master's degree in educational leadership from an accredited professional educator preparation program as defined in ARM 10.57.102 (3); or

(c) a master's degree from any accredited professional educator preparation program and a minimum of 24 graduate semester credits in the following content areas:

(i) school leadership;

(ii) instructional leadership to include supervision and elementary curriculum;

(iii) management to include finance and law; and

(iv) school and community relations. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.416 CLASS 3 ADMINISTRATIVE LICENSE - SECONDARY PRINCIPAL ENDORSEMENT (1) To obtain a secondary principal endorsement an applicant must provide verification of:

(a) a minimum of three years of successful experience as an appropriately licensed and assigned teacher at the secondary level; and

(b) a master's degree in educational leadership from an accredited professional educator preparation program as defined in ARM 10.57.102(3); or

(c) a master's degree from any accredited professional educator preparation program and a minimum of 24 graduate semester credits in the following content areas:

(i) school leadership

(ii) instructional leadership to include supervision and secondary curriculum;

(iii) management to include finance and law; and

(iv) school and community relations. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.417 CLASS 3 ADMINISTRATIVE LICENSE - K-12 PRINCIPAL ENDORSEMENT (1) To obtain a K-12 principal endorsement an applicant must provide verification of:

(a) a master's degree in educational leadership from an accredited professional educator preparation program as defined in ARM 10.57.102(3);

(b) full eligibility for an elementary or a secondary principal endorsement or current endorsement as a Montana elementary or secondary principal;

(c) a minimum of three years of successful experience as an appropriately licensed and assigned teacher at any level within K-12; and

(d) at least six graduate semester credits in educational leadership and curriculum at the elementary level, if eligible at the secondary level, or at least six graduate credits in educational leadership and curriculum at the secondary level, if eligible at the elementary level. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.418 CLASS 3 ADMINISTRATIVE LICENSE - SUPERVISOR ENDORSEMENT (1) This administrative endorsement is issued in specific fields such as math, music, and school counseling, or in general areas such as elementary education, secondary education and curriculum development. This endorsement may be issued to applicants who submit verification:

(a) of successful completion, at an accredited college or university, of a master's degree in the area requested for endorsement;

(b) that the applicant meets eligibility requirements for a class 1 or class 2 teaching license endorsed in the field of specialization;

(c) of three years of successful experience as an appropriately licensed and assigned teacher;

(d) of at least 14 graduate semester credits in education or the equivalent to include:

(i) general school administration;

(ii) administration in the specific area to be endorsed;

(iii) supervision of instruction;

(iv) basic school finance; and

(v) school law; and

(e) of a supervised practicum/internship (minimum of four semester credits or appropriate waiver). The recommendation of the appropriate official(s) is required. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03.)

10.57.419 CLASS 3 ADMINISTRATIVE LICENSE - SPECIAL EDUCATION SUPERVISOR ENDORSEMENT (1) This administrative endorsement is issued in the specific field of special education. This endorsement may be issued to applicants who submit verification of:

(a) successful completion, at an accredited college or university, of a master's degree in special education or a master's degree in a special education related service field, i.e., school psychologist, speech-language pathologist, audiologist, physical therapist, occupational therapist, registered nurse, clinical social worker, or clinical professional counselor;

(b) full licensure in the field of specialization;

(c) three years of successful experience in an accredited school setting as an appropriately licensed and assigned teacher, or five years of successful experience in an accredited school setting as a fully licensed and assigned related services provider;

(d) at least 14 graduate semester credits in education or the equivalent to include:

(i) general school administration;

(ii) administration in the specific area to be endorsed;

(iii) supervision of instruction;

(iv) basic school finance; and

(v) school law; and

(e) a supervised practicum/internship (minimum of four semester credits or appropriate waiver). The recommendation of the appropriate official(s) is required. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03.)

10.57.420 CLASS 4 CAREER AND VOCATIONAL/TECHNICAL EDUCATION LICENSE (1) A class 4 license is specific to career and vocational/technical education. There are three types of class 4 licenses - class 4A, 4B and 4C.

(2) A class 4 license shall be valid for a period of five years.

(3) A class 4 license shall be renewable pursuant to the requirements of ARM 10.57.215 and the requirements specific to each type of class 4 license.

(4) Recognized occupations eligible for a class 4 license shall be evaluated on an annual basis by the superintendent of public instruction. Current appropriate class 4 career and vocational/technical occupational areas are

set forth in ARM 10.57.301(4). Endorsements not on the list of recognized occupations may be retained as long as the holder continues to renew the license.

(5) A lapsed class 4 license may be reinstated by showing verification of:

(a) 60 renewal units, 40 of which must be earned by college credit and/or technical studies if the licensee does not have a master's degree, earned during the five-year period preceding the validation date of the new license;

(b) 120 renewal units, 80 of which must be earned by college credit and/or technical studies if the licensee does not have a master's degree, earned during the nine-year period preceding the validation date of the new license;

(c) 60 renewal units earned during the five-year period preceding the validation date of the new license if the licensee has a master's degree; or

(d) 120 renewal units earned during the nine-year period preceding the validation date of the new license if the licensee has a master's degree. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 2081, Eff. 9/26/03.)

10.57.421 CLASS 4A CAREER AND VOCATIONAL/TECHNICAL EDUCATION LICENSE (1) A class 4A license shall be issued to individuals holding a valid Montana secondary level teaching license, but without an appropriate career and vocational/technical education endorsement, and who meet the following minimum requirements:

(a) 10,000 hours of documented work experience or apprenticeship training equal to 10,000 hours in the specific trade in which they are to teach;

(b) for computer information systems or health occupations, an alternative to the above requirement of 10,000 hours work experience may be substituted, as approved by the superintendent of public instruction as follows:

(i) for health occupations an individual may hold a related health or science education endorsement, have completed an approved internship program in a recognized medical setting of a minimum of 200 hours (five weeks), and hold a current professional license or certificate.

(ii) for computer information systems an individual may provide verification of completion of an approved technical program in a recognized training institution and hold a professional license or recognized industry standard certificate.

(2) Class 4A licenses (with a master's degree) shall be renewable by earning 60 renewal units. The first renewal must show evidence of renewal units earned in the following content areas:

(a) principles and/or philosophy of career and vocational/technical education; and

(b) safety and teacher liability.

(3) Class 4A licenses (with a bachelor's degree) shall be renewable by earning 60 renewal units, 40 of which must be earned through college credit and/or technical studies. The first renewal must show evidence of renewal units earned in the following content areas:

(a) principles and/or philosophy of career and vocational/technical education; and

(b) safety and teacher liability. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 2081, Eff. 9/26/03.)

10.57.422 CLASS 4B CAREER AND VOCATIONAL/TECHNICAL EDUCATION LICENSE (1) A class 4B license shall be issued to individuals with a bachelor's degree, but who do not hold a valid Montana secondary level teaching license with the appropriate career and vocational/technical education endorsement.

(2) To obtain a class 4B license an individual must meet the following minimum requirements:

(a) 10,000 hours of documented work experience or apprenticeship training equal to 10,000 hours in the specific trade in which they are to teach; or

(b) for emerging occupations such as computer information systems (e.g., CISCO) or health occupations, an alternative to the above requirement of 10,000 hours work experience may be substituted as approved by the superintendent of public instruction as follows:

(i) verification of recognized industry standard certification or a professional license; and

(ii) 4,000 hours of documented work experience or apprenticeship training equal to 4,000 hours.

(3) Class 4B licenses (with a bachelor's degree) shall be renewable by earning 60 renewal units, 40 of which must be earned through college credit and/or technical studies. The first renewal must show evidence of renewal units earned in the following content areas:

- (a) principles and/or philosophy of career and vocational/technical education;
- (b) curriculum and instruction in career and vocational/technical education;
- (c) learning styles/teaching styles, including students with special needs; and
- (d) safety and teacher liability.

(4) Class 4B licenses (with a master's degree) shall be renewable by earning 60 renewal units. The first renewal must show evidence of renewal units earned in the following content areas:

- (a) principles and/or philosophy of career and vocational/technical education;
- (b) curriculum and instruction in career and vocational/technical education;
- (c) learning styles/teaching styles, including students with special needs; and
- (d) safety and teacher liability. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 2081, Eff. 9/30/03.)

10.57.423 CLASS 4C CAREER AND VOCATIONAL/TECHNICAL EDUCATION LICENSE (1) A class 4C license shall be issued to individuals who hold at least a high school diploma or GED and meet the following minimum requirements:

(a) 10,000 hours of documented work experience or apprenticeship training equal to 10,000 hours in the specific trade in which they are to teach.

(2) The class 4C license shall be renewable by completing 60 renewal units, 40 of which must be earned through college credit and/or technical studies. Appropriate content areas shall include but not be limited to the following:

- (a) principles and/or philosophy of career and vocational/technical education;
- (b) curriculum and instruction in career and vocational/technical education;
- (c) learning styles/teaching styles; including serving students with special needs;
- (d) safety and teacher liability;
- (e) classroom management;
- (f) teaching methods;
- (g) career guidance in career and vocational/technical education. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 2081, Eff. 9/26/03.)

10.57.424 CLASS 5 ALTERNATIVE LICENSE (1) A class 5 alternative license is valid for a term of three years, is not renewable and may not be reinstated.

(2) An applicant for a class 5 alternative license must sign and file with the superintendent of public instruction a plan of professional intent leading to the class 1, 2, 3 or 6 license within three years of the date of the alternative license.

(3) A class 5 alternative license is available with any endorsement normally allowed for class 1, 2, 3 or 6 licenses. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.425 CLASS 5 ALTERNATIVE LICENSE - ELEMENTARY LEVEL

(1) To obtain a class 5 alternative license with an elementary level endorsement, an applicant must provide verification of:

(a) a bachelor's degree from an accredited college or university;

(b) a minimum of 60 semester credits of academic preparation in language arts and literature, history, government and related social science, mathematics, and any two of the following: art, music, foreign languages, speech, drama, library science or health; and

(c) professional preparation of at least six semester credits to include human growth and development, reading and/or language arts, social studies, and arithmetic. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.426 CLASS 5 ALTERNATIVE LICENSE - SECONDARY LEVEL

(1) To obtain a class 5 alternative license with a secondary level endorsement, an applicant must provide verification of:

(a) a bachelor's degree from an accredited college or university;

(b) a minimum of 30 semester credits in an area approved by the board of public education for endorsement; and

(c) professional educator preparation of at least six semester credits. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.427 CLASS 5 ALTERNATIVE LICENSE - SUPERINTENDENT ENDORSEMENT (1) To obtain a class 5 alternative license with a superintendent endorsement, an applicant must provide verification of:

(a) a master's degree in education leadership from an accredited professional educator preparation program or equivalent;

(b) eligibility for a class 1, 2, or 5 teaching license at the appropriate level;

(c) verification of three years of appropriately licensed and assigned teaching experience; and

(d) verification of one year of appropriately licensed experience as a principal or one year of a supervised board of public education approved administration internship as superintendent. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.428 CLASS 5 ALTERNATIVE LICENSE - ELEMENTARY PRINCIPAL ENDORSEMENT (1) To obtain a class 5 alternative license with an elementary endorsement, an applicant must provide verification of:

(a) a master's degree from any accredited professional educator preparation program and nine graduate semester credits in school administration;

(b) eligibility for a class 1, 2, or 5 teaching license at the elementary level; and

(c) verification of three years of successful teaching experience as an appropriately licensed and assigned teacher at the elementary level. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.429 CLASS 5 ALTERNATIVE LICENSE - SECONDARY PRINCIPAL ENDORSEMENT (1) To obtain a class 5 alternative license with a secondary principal endorsement, an applicant must provide verification of:

(a) a master's degree from any accredited professional educator preparation program and nine graduate semester credits in school administration;

(b) eligibility for a class 1, 2, or 5 teaching license at the secondary level; and

(c) verification of three years of successful teaching experience as an appropriately licensed and assigned teacher at the secondary level. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.430 CLASS 5 ALTERNATIVE LICENSE - K-12 PRINCIPAL ENDORSEMENT (1) To obtain a class 5 alternative license with a K-12 principal endorsement, an applicant must provide verification of:

(a) a master's degree from any accredited professional educator preparation program and nine graduate semester credits in school administration;

(b) eligibility for a class 1, 2, or 5 teaching license at any level within K-12; and

(c) verification of three years of successful teaching experience as an appropriately licensed and assigned teacher at any level within K-12. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.431 CLASS 5 ALTERNATIVE LICENSE - SUPERVISOR ENDORSEMENT (1) To obtain a class 5 alternative license with a supervisor endorsement an applicant must provide verification of:

(a) a master's degree from an accredited college or university in the area requested for supervisory endorsement; and

(b) verification of three years of appropriately licensed experience as a teacher in the area requested for supervisory endorsement or verification of five years of experience in a school setting as a fully licensed and appropriately assigned related services provider. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03.)

10.57.432 CLASS 5 ALTERNATIVE LICENSE - SPECIALIST ENDORSEMENT (1) To obtain a class 5 alternative license with a specialist endorsement in school psychology an applicant must provide verification of:

(a) a master's degree;

(b) completion of at least 12 of the following 16 requirements:

(i) undergraduate or graduate general education/psychology course work/content to include:

(A) careers;

(B) human growth and development;

(C) general psychology;

(D) abnormal psychology; and

(E) learning theory;

(ii) undergraduate or graduate general education course work/content to include:

- (A) exceptional children (must include special education);
- (B) curriculum development;
- (C) diagnosis and remediation of reading; and
- (D) educational evaluation; and
- (iii) graduate psychological methods and techniques course work/content to include:
 - (A) individual intelligence testing;
 - (B) child psychopathology and achievement testing;
 - (C) personality assessment;
 - (D) interviewing and counseling;
 - (E) behavior interventions;
 - (F) school psychology practicum/internship; and
 - (G) administration, role and function of school psychology; and
- (c) specific completion of the individual intelligence testing requirement.
- (2) To obtain a class 5 alternative license with a specialist endorsement in school counseling an applicant must provide verification of:
 - (a) a master's degree; and
 - (b) institutional verification of being within four course deficiencies of completing full requirements as outlined in ARM 10.57.435. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03.)

10.57.433 CLASS 6 SPECIALIST LICENSE (1) A class 6 specialist license is valid for a period of five years.

- (2) Class 6 specialist licenses may be issued with the following endorsements:
 - (a) school psychologist; or
 - (b) school counselor.
- (3) Class 6 specialist licenses may be renewed pursuant to the requirements of ARM 10.57.215.
- (4) A lapsed class 6 specialist license may be reinstated by showing verification of:
 - (a) four graduate semester credits or equivalent renewal units earned during the five-year period preceding the validation date of the new license; or
 - (b) eight graduate semester credits or equivalent renewal units earned during the nine year period preceding the validation date of the new license. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.434 CLASS 6 SPECIALIST LICENSE - SCHOOL PSYCHOLOGIST

(1) To obtain a class 6 specialist license with a school psychologist endorsement an applicant must provide verification of:

(a) current credentials as a nationally certified school psychologist (NCSP) from the national association of school psychologists (NASP); or

(b) a master's degree in school psychology or a master's degree which includes the following minimums:

(i) 10 semester credits in general education/psychology (graduate or undergraduate) training to include:

- (A) new careers or transitions;
- (B) human growth and development;
- (C) general psychology;
- (D) educational psychology; and
- (E) abnormal psychology;

(ii) completion of the following course work is required at either the undergraduate or graduate level, provided the applicant has a master's degree from an accredited program:

- (A) exceptional children (must include special education);
- (B) curriculum development;
- (C) diagnosis and remediation of reading; and
- (D) educational evaluation; and

(iii) completion of the following specific course work in psychological methods and techniques is required at the graduate level:

- (A) individual intelligence testing;
- (B) child psychopathology;
- (C) personality assessment;
- (D) interviewing and counseling;
- (E) behavioral interventions;
- (F) school psychology practicum/internship (a minimum of four semester hours of graduate credit or appropriate waiver); and

(G) administration, role and function of school psychology. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.435 CLASS 6 SPECIALIST LICENSE - SCHOOL COUNSELOR

(1) To obtain a class 6 specialist license with a school counselor endorsement an applicant must provide verification of:

(a) a master's degree in school counseling (K-12); or
(b) a master's degree with equivalent graduate level school counseling content; and

(c) a supervised internship of at least 600 hours in a school or school related setting. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-106, 20-4-108, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.436 CLASS 7 AMERICAN INDIAN LANGUAGE AND CULTURE SPECIALIST (1) A class 7 American Indian language and culture specialist license shall be valid for a period of five years.

(2) The superintendent of public instruction shall issue a class 7 license based upon verification by the American Indian tribe for which the language and culture licensure is desired that the individual has met tribal standards for competency and fluency as a requisite for teaching that language and culture. Candidates for class 7 licensure must meet all non-academic requirements for licensure in Montana.

(3) The board will accept and place on file the criteria developed by each tribe for qualifying an individual as competent to be a specialist in its language and culture.

(4) Sixty units of renewal activities authorized and verified by the tribe will be required for renewal of a class 7 license.

(5) A school district may assign an individual licensed under this rule to only specialist services within the field of American Indian language and culture under such supervision as the district may deem appropriate. No teaching license or endorsement is required for duties within this prescribed field. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-103, 20-4-106, MCA; NEW, 1995 MAR p. 2803, Eff. 12/22/95; TRANS, 2002 MAR p. 3309, 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03.)

Sub-Chapter 5

Ancillary Services

10.57.501 SOCIAL WORKERS, NURSES AND SPEECH AND HEARING THERAPIST (1) Professionals such as social workers, nurses and speech and hearing therapists who are teaching in a classroom must have a teaching license appropriate for the level(s) and area(s) taught.

(2) Speech and hearing therapists engaged in school services in the public schools of Montana who issued grades or credits in the pupil's school program must be licensed under the regularly established teacher licensure requirements in speech and hearing association. For related school services which do not involve credits or promotion, the superintendent of public instruction shall recognize speech and hearing therapists licensed by the American speech and hearing association on the basis of professional association standards on file with the superintendent of public instruction. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-102, MCA; Eff. 4/21/75; ARM Pub. 11/25/77; AMD, 1981 MAR p. 420, Eff. 5/1/81; AMD, 1982 MAR p. 380, Eff. 2/26/82; AMD, 1982 MAR p. 1606, Eff. 8/27/82; AMD, 1986 MAR p. 1307, Eff. 8/1/86; AMD, 1994 MAR p. 955, Eff. 4/15/94; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02.)

Sub-Chapter 6

Educator Licensure Disciplinary Procedures

10.57.601 REQUEST FOR DISCIPLINE AGAINST THE LICENSE OF A TEACHER, SPECIALIST, OR ADMINISTRATOR: PRELIMINARY ACTION

(1) Pursuant to 20-4-110(2), MCA, requests to issue a letter of reprimand or to suspend or revoke a teacher, specialist or administrator license shall be brought before the board of public education by only:

(a) an official action of the board of trustees of a local district for any teacher, specialist or administrator currently employed by that district or under contract or otherwise employed by that district at any time during the 12 months prior to the receipt by the board of public education of the request to issue a letter of reprimand or to suspend or revoke; or

(b) the superintendent of public instruction.

(2) Requests shall specify whether a letter of reprimand, revocation or suspension is sought and shall include:

(a) the specific charge(s) against the teacher, specialist or administrator;

(b) the subsection of 20-4-110, MCA, under which the charge(s) is brought;

(c) an outline of the facts and evidence related to the charge(s); and

(d) a copy of the minutes documenting the trustees' decision to request a letter of reprimand or revocation or suspension of a license, if the request is made by the board of trustees. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-110, MCA; Eff. 12/10/75; ARM Pub. 11/25/77; AMD, 1979 MAR p. 362, Eff. 3/30/79; AMD, 1980 MAR p. 2645, Eff. 9/26/80; AMD, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1991 MAR p. 1488, Eff. 8/16/91; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.601A DEFINITION OF "IMMORAL CONDUCT" (1) "Immoral conduct" related to the teaching profession, under 20-4-110(1)(f), MCA, includes, but is not limited to:

(a) sexual contact, as defined in 45-2-101(66), MCA, or sexual intercourse as defined in 45-2-101(67), MCA, between a teacher, specialist or administrator and a person the teacher, specialist or administrator knows or reasonably should know is a student at a public or private elementary or secondary school;

(b) conduct, whether resulting in the filing of criminal charges or not, which would constitute an offense under any of the following statutes of this state;

- (i) 45-5-502, MCA, (sexual assault);
- (ii) 45-5-503, MCA, (sexual intercourse without consent);
- (iii) 45-5-504, MCA, (indecent exposure);
- (iv) 45-5-505, MCA, (deviate sexual conduct), if the conduct either was non-consensual or involved a person the teacher, specialist or administrator knows or reasonably should know is a student at a public or private elementary or secondary school;
- (v) 45-5-507, MCA, (incest);
- (vi) 45-5-601, 45-5-602, or 45-5-603, MCA, (offenses involving prostitution);
- (vii) 45-5-622(2), MCA, (endangering the welfare of children);
- (viii) 45-5-623, MCA, (unlawful transactions with children);
- (ix) 45-5-625, MCA, (sexual abuse of children);
- (x) 45-8-201, MCA, (obscenity);
- (xi) 45-5-627, MCA, (ritual abuse of minor);
- (xii) any statute in Title 45, chapter 9, part 1, MCA, (dangerous drugs), provided that a first offense under 45-9-102(2), MCA, shall not fall within this definition;
- (xiii) 45-5-220, MCA, (stalking);
- (xiv) 45-5-223, MCA, (surreptitious visual observation or recordation);
- (xv) 45-10-103, MCA, (criminal possession of drug paraphernalia);
- (xvi) 45-10-105, MCA, (delivery of drug paraphernalia to a minor);
- (xvii) 45-8-334, MCA, (possession of a destructive device);
- (xviii) 45-8-361, MCA, (possession or allowing possession of weapon in school building);
- (xix) 45-8-403, MCA, (use of threat to coerce gang membership);
- (xx) 45-8-406, MCA, (supplying of firearms to criminal street gang);

(c) repeated convictions for violations of any one or more of the criminal laws of this state, which violations are not otherwise grounds for suspension or revocation, if the repeated convictions, taken together, demonstrate that the teacher, specialist or administrator is unwilling to conform their conduct to the requirements of law;

(d) occurrences related to ARM 24.9.1003(3), (sexual harassment), defined as "unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature" when:

(i) submission to the conduct is explicitly or implicitly made a term or condition of education;

(ii) submission to or rejection of the conduct is used as the basis for an educational decision affecting the individual; and/or

(iii) the conduct has the purpose or effect of unreasonably interfering with school performance or creating an intimidating, hostile or offensive learning environment. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-110, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.601B INVESTIGATION (1) Upon receipt of a request made pursuant to 20-4-110(2), MCA and ARM 10.57.601, the board of public education shall implement an investigation to determine whether or not a substantial reason exists to hold a hearing for the issuance of a letter of reprimand or the suspension or revocation of the teacher, specialist or administrator license. This investigation shall include notifying the affected teacher, specialist or administrator of the charges against him/her by certified mail and allowing him/her 10 days to respond to those charges. After receiving a response, the board may request further information to ensure the preliminary investigation properly reflects the facts and position of each party. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-110, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.602 NOTICE AND OPPORTUNITY FOR HEARING UPON DETERMINATION THAT SUBSTANTIAL REASON EXISTS TO HOLD A HEARING

(1) On the basis of the preliminary investigation conducted pursuant to ARM 10.57.601B, the board of public education shall determine whether or not a substantial reason exists to hold a hearing to issue a letter of reprimand or to suspend or revoke the teacher, specialist or administrator license.

(a) If the board determines that no substantial reason exists to hold such a hearing, the matter is ended.

(b) If the board determines that there is substantial reason to hold such a hearing, the board shall provide notice of the pending action to the teacher, specialist or administrator, by certified mail not less than 30 days prior to the date of the hearing. Such notice shall include:

- (i) a statement of the time, place and nature of the hearing;
- (ii) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- (iii) a reference to the particular sections of the statutes and rules involved;
- (iv) a statement of the matters asserted;
- (v) a designation of who will hear the allegation;
- (vi) a provision advising parties of their right to be represented by counsel at the hearing.

(c) The notice shall advise the teacher, specialist or administrator that he/she has the right to contest the proposed action of the board, and that he/she may do so by appearing at the hearing either personally or through counsel, or by requesting the board to consider the matter on the basis of the available evidence without an appearance by the teacher, specialist or administrator.

(d) The board shall enclose with the notice an election form on which the teacher, specialist or administrator shall be asked to indicate whether he/she intends to appear at the hearing and contest the board's proposed action, contest the board's proposed action without appearing at the hearing, or accept the proposed letter of reprimand, suspension or revocation without contesting it. The notice shall require the teacher, specialist or administrator to return the election form within 20 days of the date on which the notice was mailed, and shall inform the teacher, specialist or administrator that failure to return the form in a timely manner shall result in a letter of reprimand or the suspension or revocation of the license by default.

(e) If the teacher, specialist or administrator does not return the completed election form within 20 days or elects to accept the proposed letter, suspension or revocation without contesting it, the board, at its next meeting, shall suspend or revoke the teacher, specialist or administrator license or shall direct the chair to issue a letter of reprimand.

(f) If the teacher, specialist or administrator elects to contest the proposed letter, suspension or revocation and complies with (1)(d), the board shall conduct a hearing. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-110, MCA; Eff. 12/10/75; ARM Pub. 11/25/77; AMD, 1979 MAR p. 362, Eff. 3/30/79; AMD, 1980 MAR p. 2646, Eff. 9/26/80; AMD, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1991 MAR p. 1488, Eff. 8/16/91; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.603 HEARING IN CONTESTED CASES (1) The board shall select one of the following methods for providing a hearing:

(a) a hearing before the board of public education at a special or regular meeting of the board;

(b) a hearing before a committee of the board that shall report to the board proposed findings of fact, proposed conclusions of law and a proposed order; or

(c) a hearing before a hearing examiner appointed by the board of public education who shall report to the board proposed findings of fact, proposed conclusions of law and a proposed order.

(2) At the time and place set in the notice to the teacher, specialist or administrator, the chairperson of the board of public education, the designated committee, or an appointed hearing examiner shall conduct the hearing in accordance with Rules 9 through 21 of the attorney general's model rules for hearing contested cases, as found in the Administrative Rules of Montana. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-110, MCA; Eff. 12/10/74; ARM Pub. 11/25/77; AMD, 1979 MAR p. 362, Eff. 3/30/79; AMD, 1980 MAR p. 2646, Eff. 9/26/80; AMD, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.604 POST HEARING PROCEDURE (1) After the hearing the board shall, as provided herein:

(a) adopt findings of fact, conclusions of law and an order issuing a letter of reprimand or suspending or revoking the teacher, specialist or administrator license; or

(b) dismiss the request for letter of reprimand, revocation or suspension.

(2) The board shall enter its decision on its minutes and shall serve a copy by certified mail on the teacher, specialist or administrator and on any other involved party. (History: Sec. 20-2-121, 20-4-102, MCA; IMP, Sec. 20-4-102, 20-4-110, MCA; Eff. 12/10/74; ARM Pub. 11/25/77; AMD, 1979 MAR p. 362, Eff. 3/30/79; AMD, 1980 MAR p. 2646, Eff. 9/26/80; AMD, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2000 MAR p. 1510, Eff. 6/16/00; AMD, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03.)

10.57.605 SURRENDER OF A TEACHER, SPECIALIST OR ADMINISTRATOR LICENSE (1) A teacher, specialist or administrator may surrender his/her license to the superintendent of public instruction. The superintendent of public instruction, upon review, may accept or reject the license surrender.

(2) Surrender of a license to the superintendent of public instruction does not relieve the reporting requirements set forth in 20-4-110, MCA.

(3) The superintendent of public instruction may investigate further following the surrender of a teacher, specialist or administrator's license and shall maintain a record of the circumstances surrounding the surrender of any license. The contents of that record shall be available for review by the licensing authority from any other jurisdiction in which the teacher, specialist or administrator seeks licensure.

(4) Surrender of a license may prejudice the ability of teacher, specialist or administrator to successfully seek relicensure in Montana in the same or any other educational endorsement.

(5) The superintendent of public instruction shall provide notice to the board of public education of each surrender of a license and of the circumstances surrounding the surrender. (History: Sec. 20-4-114, MCA; IMP, Sec. 20-2-121, MCA; NEW, 1994 MAR p. 2525, Eff. 9/9/94; AMD, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.606 REPORTING OF THE SURRENDER, DENIAL, REVOCATION OR SUSPENSION OF A LICENSE (1) The superintendent of public instruction shall maintain membership in the national association of state directors of teacher education and certification (NASDTEC) and shall report information to the NASDTEC clearinghouse concerning licensure as provided herein and as required by NASDTEC membership.

(2) Upon receipt of a license surrendered pursuant to ARM 10.57.605, the superintendent of public instruction shall report to the NASDTEC clearinghouse that the superintendent accepted the surrender of a license held by the teacher, specialist or administrator.

(3) As provided herein, the superintendent of public instruction shall report to the NASDTEC clearinghouse the denial of licensure for cause. A denial "for cause" is defined as circumstances which:

(a) resulted in a determination by the superintendent that the applicant lacked the requisite moral and professional character; or

(b) would, in the case of a licensed Montana educator, be grounds for suspension or revocation.

(4) The superintendent shall not report to NASDTEC under (3) until either:

(a) the period for appeal of denial as provided in ARM 10.57.607 has expired; or

(b) the board of public education affirms the denial.

(5) The superintendent of public instruction shall report to the NASDTEC clearinghouse the suspension or revocation of a license held by a teacher, specialist or administrator.

(6) The superintendent of public instruction shall maintain, pursuant to the superintendent's record retention policies, a record of the circumstances surrounding the surrender, denial, revocation, suspension, or reprimand involving a teacher, specialist or administrator's license. The contents of that record shall be available for review by the certifying authority from any other jurisdiction in which the teacher, specialist or administrator seeks licensure. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-110, MCA; NEW, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2004 MAR p. 2910, Eff. 12/3/04.)

10.57.607 APPEAL FROM DENIAL OF A TEACHER, SPECIALIST OR ADMINISTRATOR LICENSE

(1) Appeal from the decision of the superintendent of public instruction to deny issuance or renewal of a teacher, specialist or administrator license shall be brought before the board of public education by written request from the applicant to the board received within 30 days of the notice to deny.

(2) The written request must be in a form which:

(a) summarizes the appellant's responses to the superintendent's denial of licensure;

(b) states that the appellant meets the minimum qualifications for issuance of a license established by law; and

(c) if applicable, shows that the appeal satisfies the requirements of ARM 10.57.608. (History: Sec. 20-2-121, 20-4-102, MCA; IMP, Sec. 20-4-102, 20-4-110, MCA; NEW, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2000 MAR p. 1510, Eff. 6/16/00; AMD & TRANS, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.608 CONSIDERATIONS GOVERNING ACCEPTANCE OF APPEAL IN CASES ARISING UNDER 20-4-104, MCA (1) The board of public education shall not consider an appeal from a denial by the superintendent of public instruction based on 20-4-104, MCA, if the appellant has made an appeal to the board from the denial of a teacher, specialist or administrator license within three years prior to the application which is at issue, and that appeal was denied by the board following a hearing, unless the appellant can show substantial changes in circumstances relating to the appellant's eligibility for a license. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-110, MCA; NEW, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD & TRANS, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.609 HEARING ON APPEAL (1) The board of public education shall conduct the hearing as provided in ARM 10.57.603 and in compliance with Title 2, chapter 4, part 6, MCA.

(2) On appeal the burden is on the appellant to establish by a preponderance of the evidence that the appellant satisfies the statutory criteria for issuance of a teacher, specialist or administrator license.

(3) In cases in which the superintendent of public instruction has denied issuance or renewal of a teacher, specialist or administrator license under 20-4-104, MCA, the board of public education may require the appellant to undergo a mental or physical examination by a physician or health professional designated by the board. In cases in which the superintendent of public instruction has denied issuance of a new license, the examination shall be at the appellant's expense. In cases in which the superintendent of public instruction has denied issuance of a renewal license, the examination shall be at the superintendent of public instruction's expense. The report of examination shall be admissible evidence in the appeal proceedings before the board, subject to the appellant's right to cross-examine the maker of the report. (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-110, MCA; NEW, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD & TRANS, 2002 MAR p. 3309, Eff. 11/28/02.)

Rule 10.57.610 reserved

10.57.611 SUBSTANTIAL AND MATERIAL NON-PERFORMANCE

(1) A licensed staff member commits a violation of 20-4-110, MCA, if, after signing a binding contract of employment with a Montana school district, the licensed staff member substantially and materially breaches such contract without good cause.

(2) "Good cause" shall be determined by the board on a case-by-case basis. The following are examples of good cause:

(a) substantial hardship to the licensed staff member's family due to a change in employment of the spouse of the licensed staff member that necessitates a move;

(b) illness of a family member of the licensed staff member that necessitates a move for purposes of providing for, caring for, or tending to the ill family member; or

(c) intolerable working conditions, judged on the same basis as constructive discharge under Montana law.

(3) Licensed staff members violating 20-4-110(1)(g), MCA shall be penalized according to the following guidelines:

(a) a first violation committed not more than 30 calendar days prior to the beginning of the school year may result in a sanction not to exceed placement of a letter of reprimand in the licensed staff member's public record certification file;

(b) a first violation committed on or after school starts shall result in a sanction ranging from placement of a letter of reprimand in the licensed staff member's public record licensure file to temporary suspension of the licensed staff member's license for not more than 30 days; and

(c) a second or subsequent violation shall result in a sanction ranging from a temporary suspension of the licensed staff member's license to revocation of the license.

(4) In considering the sanction, if any, to impose for a violation, the board will consider the following:

(a) the length of prior notice, if any, provided to the employing board by the licensed staff member;

(b) the arrangements made and resources provided by the licensed staff member to ensure continuing instruction to pupils;

(c) the difficulties faced by the employing district in recruiting a suitable replacement;

(d) the impact of the licensed staff member's breach of contract on the district's compliance with accreditation standards; and

(e) other hardships suffered by the employing district as a result of the licensed staff member's breach of contract.

(5) This rule provides guidelines only and shall not be construed to either require or to prohibit the board from exercising its discretion in overseeing discipline of license holders. (History: Sec. 20-2-114, 20-2-121, MCA; IMP, Sec. 20-2-121, 20-4-110, MCA; NEW, 2002 MAR p. 1549, Eff. 5/31/02; TRANS, 2002 MAR p. 3309, Eff. 11/28/02; AMD, 2003 MAR p. 554, Eff. 3/28/03.)

Sub-Chapter 7

Procedures for Hearing Appeals from Decisions
Denying Issuance or Renewal of Teacher Certificates

10.57.701 APPEAL FROM DENIAL OF A TEACHER, SPECIALIST OR ADMINISTRATOR CERTIFICATE (IS HEREBY TRANSFERRED) (History: Sec. 20-2-121, 20-4-102, MCA; IMP, Sec. 20-4-102, 20-4-110, MCA; NEW, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD, 2000 MAR p. 1510, Eff. 6/16/00; AMD & TRANS to 10.57.607, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.702 CONSIDERATIONS GOVERNING ACCEPTANCE OF APPEAL IN CASES ARISING UNDER 20-4-104(1)(c), MCA (IS HEREBY TRANSFERRED) (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-110, MCA; NEW, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD & TRANS to 10.57.608, 2002 MAR p. 3309, Eff. 11/28/02.)

10.57.703 HEARING ON APPEAL (IS HEREBY TRANSFERRED) (History: Sec. 20-4-102, MCA; IMP, Sec. 20-4-110, MCA; NEW, 1987 MAR p. 1211, Eff. 7/31/87; AMD, 1995 MAR p. 628, Eff. 4/28/95; AMD & TRANS to 10.57.609, 2002 MAR p. 3309, Eff. 11/28/02.)

Sub-Chapter 8

Substantial and Material Non-Performance

10.57.801 SUBSTANTIAL AND MATERIAL NON-PERFORMANCE (IS
HEREBY TRANSFERRED) (History: Sec. 20-2-114, 20-2-121, MCA;
IMP, Sec. 20-2-121, 20-4-110, MCA; NEW, 2002 MAR p. 1549, Eff.
5/31/02; TRANS to 10.57.611, 2002 MAR p. 3309, Eff. 11/28/02.)